

Exhibit A

From: [Jennifer B. Maisel](#)
To: [Paven Malhotra](#); [Annette Hurst](#); [Elana.NightingaleDawson@lw.com](#); [Cariello, Christopher J.](#); [Najemy, Laura](#); [Garko, Sheryl](#); [Joe.Wetzel@lw.com](#)
Cc: [Steven Lieberman](#); [Jeffrey A. Lindenbaum](#); [Jenny L. Colgate](#); [Mark T. Rawls](#); [Kristen Logan](#); [Robert P. Parker](#); [Nasri Hage](#); [NewYorkTimes_Microsoft_OHS](#); [MicrosoftNYClassActionFDBR@faegredrinker.com](#); [KVP-OAI](#); [OpenAICopyright@mofo.com](#); [openaicopyrightlitigation.lwteam@lw.com](#); [DailyNews-AI-RFEM](#)
Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference
Date: Monday, June 24, 2024 9:27:50 AM

[EXTERNAL]



Dear Paven,

The Publishers collectively will be asserting approximately 8.4 million works in the litigation. These works are contained in the copyright registrations listed in Exhibits A-H to the Complaint. This total is an approximation and we intend to provide a spreadsheet detailing the information you requested about each work for each plaintiff Publisher.

The works break down approximately as follows for each plaintiff Publisher:

1. New York Daily News – 850,000
2. Chicago Tribune – 3.5 million
3. Orlando Sentinel – 1.2 million
4. Sun Sentinel - 1.6 million
5. Mercury News - 370,000
6. Denver Post – 310,000
7. Pioneer Press - 320,000
8. OC Register - 200,000

Our investigation is ongoing, and because discovery has just opened, we reserve the right to amend the asserted works.

We also asked for a breakdown of what, exactly, the Defendants are proposing with respect to consolidation of this litigation with *The New York Times* litigation. Please provide that information as soon as possible, along with your markup of the Rule 26 report, so we can attempt to narrow any disputes with respect to the schedule in this case.

Thanks,

Jen



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From: Paven Malhotra <PMalhotra@keker.com>

Sent: Friday, June 21, 2024 7:46 PM

To: Annette Hurst <ahurst@orrick.com>; Jennifer B. Maisel <jmaisel@rothwellfigg.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Jen,

During the Rule 26f conference last week, I requested the Daily News plaintiffs supply a list of the asserted works by today. Where is the list and how many works are at issue in this litigation? I assume the plaintiffs undertook an investigation that would have captured this information before filing suit. The Rule 26f conference report is due in a week and we need to understand the scope of this case.

Regards,

Paven

Paven Malhotra

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From: Hurst, Annette L. <ahurst@orrick.com>

Sent: Tuesday, June 18, 2024 3:18 PM

To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

[EXTERNAL]

Jennifer:

Microsoft did not copy Plaintiffs' works to "power its GenAI products." Microsoft did not train OpenAI's models. OpenAI considers its training dataset to be trade secret information, and Microsoft is not aware of the contents of those training datasets. Thus, of all the parties in this lawsuit, Microsoft is in the least position to understand the scope of Plaintiffs' claims.

If you are referring to what the Complaint refers to as "retrieval augmented generation," a/k/a generative search (Copilot Chat, formerly Bing Chat), it seems extraordinarily unlikely that 60,000 *paper newspapers* have been digitized and are even available as potential search links for such retrievals. Are the "over 60,000 issues of the Publishers' respective newspapers" even publicly available online? (That seems relevant to the first point as well.)

Furthermore, it is a simple matter for Plaintiffs to block any online articles from being used by Microsoft in generative search. Microsoft has published metatags that any webmaster can use in their robots.txt files to block the use of such content in generative search. Presumably all of Plaintiffs' webmasters are well aware of the controls announced by Microsoft: [Announcing new options for webmasters to control usage of their content in Bing Chat | Bing Webmaster Blog](#). In light of these well-known controls, it seems highly unlikely that any currently published material is relevant in any way to the scope of the copying claims. Again, Microsoft did not train OpenAI's models.

Plaintiffs need to stop playing games with the scope of their case. If Plaintiffs don't know what claims they are bringing, that is a significant problem and we intend to raise it with the Court in the Rule 26(f) conference statement if we cannot get a reasonable answer to these concerns. The failure to even give us an estimate as to when you will have an answer is absurd.

Annette Hurst

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>

Sent: Monday, June 17, 2024 1:54 PM

To: Hurst, Annette L. <ahurst@orrick.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

[EXTERNAL]

Dear Annette,

The Defendants should already have an understanding as to the scope and contents of the Publishers' works at issue in this case because they are uniquely positioned to identify which of the Publishers' articles they copied to power their GenAI products.

Based on information presently available to us, Exhibits A-H attached to the Complaint identify the Publishers' copyright registrations at issue in this case. As evident from the public records, those registrations cover over 60,000 issues of the Publishers' respective newspapers. We will provide an estimate of the number of articles included in those issues as soon as possible.

We intend to provide spreadsheets identifying the articles at issue in this case, although, as discussed, we reserve the right to modify the Publishers' lists of works based on information we learn in discovery.

BR,
Jen



Jennifer Maisel (she/her)
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From: Hurst, Annette L. <ahurst@orrick.com>
Sent: Friday, June 14, 2024 5:17 PM
To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com
Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>
Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Thank you, Jennifer. As we discussed during today's Rule 26(f) conference, Microsoft is in no position to respond to the proposals in this document until we understand the number of works that are at issue in this case. The exhibits to the Complaint do not provide this information, and indeed do literally nothing to identify the content of the works that are at issue. During today's call, Plaintiffs refused to provide even a ballpark estimate, or to commit to any date whereby Plaintiffs would provide a ballpark estimate. You refused to answer the question whether the registrations listed in the exhibits are group/collective registrations or not. Moreover, you described substantial difficulties that the Plaintiffs are having in preparing their list of works, difficulties that will surely be relevant to Defendants in their discovery in this case and will affect our views regarding the case schedule.

As you also represent *The New York Times* in its case, you are aware of the spreadsheets served by that plaintiff detailing each work and certain accompanying information regarding each work. We request that the *Daily News* plaintiffs provide, as soon as possible, the same information for all works that plaintiffs allege are at issue in this case. We also again request that you provide us with at least a ballpark estimate of the number of works at issue, and we request that you do so no later than close of business on Monday.

Annette

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>

Sent: Thursday, June 13, 2024 1:45 PM

To: Hurst, Annette L. <ahurst@orrick.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

[EXTERNAL]

Please find attached a draft Rule 26(f) report and proposed case management plan. As a placeholder we included the same dates in *The New York Times* action and the Consolidated Class Actions pending before Judge Stein, with extensions on the dates that have already passed in those cases. As discussed, we look forward to discussing a modest extension of the schedule assuming such an extension would also apply in *The New York Times* action and the Consolidated Class Actions.

BR,
Jen



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From: Hurst, Annette L. <ahurst@orrick.com>

Sent: Thursday, June 13, 2024 3:06 PM

To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Do you have a draft case management plan and Rule 26(f) report that we can review to understand plaintiffs' proposals in advance of the call tomorrow? Thanks.

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>

Sent: Wednesday, June 12, 2024 12:31 PM

To: Elana.NightingaleDawson@lw.com; Hurst, Annette L. <ahurst@orrick.com>; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

[EXTERNAL]

I circulated an invite for 2pm ET this Friday, June 14, for our Rule 26(f) conference. Below are the meeting details in case I missed anyone.

Join Zoom Meeting

<https://rothwellfigg.zoom.us/j/93603156570?pwd=uh4aTVMgJ5DBWlMzZk8RpOdIYYt0m.1>

Meeting ID: 936 0315 6570

Passcode: 667204

One tap mobile

+13017158592,,93603156570# US (Washington DC)

+13052241968,,93603156570# US

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US

Meeting ID: 936 0315 6570

Find your local number: <https://rothwellfigg.zoom.us/j/aQgFUp941>

From: Elana.NightingaleDawson@lw.com <Elana.NightingaleDawson@lw.com>

Sent: Monday, June 10, 2024 6:14 PM

To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; ahurst@orrick.com; ccariello@orrick.com; lnajemy@orrick.com; sgarko@orrick.com; Joe.Wetzel@lw.com

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Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Jen,

Thank you for your email. OpenAI is available from 1:30pm – 3pm ET on Friday.

Regards,
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**

Tel: 202-637-2303 | Cell: 213-703-8628 | Fax: 202-637-2201

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>

Sent: Monday, June 10, 2024 11:02 AM

To: Nightingale Dawson, Elana (DC) <Elana.NightingaleDawson@lw.com>; ahurst@orrick.com; ccariello@orrick.com; lnajemy@orrick.com; sgarko@orrick.com; Wetzel, Joe (Bay Area) <Joe.Wetzel@lw.com>

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS@orrick.com; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <openaicopyrightlitigation.lwteam@lw.com>; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Dear all,

We are available this Friday, June 14, 9-11am or 1-5pm (all ET). Please let us know when works for you.

Best regards,
Jen



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From: Elana.NightingaleDawson@lw.com <Elana.NightingaleDawson@lw.com>
Sent: Friday, June 7, 2024 4:39 PM
To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; ahurst@orrick.com; ccariello@orrick.com; lnajemy@orrick.com; sgarko@orrick.com; Joe.Wetzel@lw.com
Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS@orrick.com; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>
Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Hi Jen,

Thank you for following up. We'll be back in touch shortly with OpenAI's availability. Given the amount of coordination required and the availability of Microsoft's counsel, we anticipate providing options for late next week or early the week after. We look forward to meeting with you.

Best regards,
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**

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From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>
Sent: Thursday, June 6, 2024 7:56 PM
To: Hurst, Annette L. <ahurst@orrick.com>; Nightingale Dawson, Elana (DC) <Elana.NightingaleDawson@lw.com>; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Wetzel, Joe (Bay Area) <Joe.Wetzel@lw.com>
Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker

<rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>;
NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>;
MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com;
OpenAICopyright@mofo.com; #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM
<openaicopyrightlitigation.lwteam@lw.com>; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

How about the times tomorrow, or on Monday for the other lawyers on your team?

From: Hurst, Annette L. <ahurst@orrick.com>

Sent: Thursday, June 6, 2024 5:12 PM

To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>;
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Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

I am out from M-W of next week.

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>

Sent: Thursday, June 6, 2024 2:04 PM

To: Hurst, Annette L. <ahurst@orrick.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>;
NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>;
MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com;
OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM
<DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

[EXTERNAL]

We are also available 1-3:30pm tomorrow and 11am, 2pm, or 4pm on Monday (all ET). We believe it is in the best interest of the parties and the Court to move this case forward as soon as possible.



Jennifer Maisel (she/her)
Rothwell, Figg, Ernst & Manbeck, P.C.
901 New York Avenue, N.W.
Suite 900 East
Washington, D.C. 20001

Main Number: 202.783.6040
Direct Number: 202.626.3548
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From: Hurst, Annette L. <ahurst@orrick.com>
Sent: Thursday, June 6, 2024 4:01 PM
To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; Elana.NightingaleDawson@lw.com; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com
Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>
Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

I'm sorry but I've become unavailable during that time slot in the meantime. Also, I don't think our deadline for this is until June 24. How did you get the Monday date? Thanks.
Annette

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>
Sent: Thursday, June 6, 2024 12:50 PM
To: Elana.NightingaleDawson@lw.com; Hurst, Annette L. <ahurst@orrick.com>; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

[EXTERNAL]

Following up as to OpenAI's availability tomorrow at 8:30 PT/11:30 ET for our Rule 26(f) conference. We are required to hold the conference by Monday and need a prompt response.

BR,
Jen



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From: Elana.NightingaleDawson@lw.com <Elana.NightingaleDawson@lw.com>

Sent: Wednesday, June 5, 2024 2:14 PM

To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; ahurst@orrick.com; ccariello@orrick.com; lnajemy@orrick.com; sgarko@orrick.com; Joe.Wetzel@lw.com

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker

<rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>;
NewYorkTimes_Microsoft_OHS@orrick.com; MicrosoftNYClassActionFDBR@faegredrinker.com;
KVPOAI@keker.com; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com;
DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Hi Jen,

Thank you for your email. We are assessing availability, though given the limited options available and the need to coordinate schedules, we may need to look for other options. We'll follow up shortly.

Best regards,
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**

Tel: 202-637-2303 | Cell: 213-703-8628 | Fax: 202-637-2201

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>

Sent: Wednesday, June 5, 2024 2:08 PM

To: Hurst, Annette L. <ahurst@orrick.com>; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; Wetzels, Joe (Bay Area) <Joe.Wetzels@lw.com>

Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>;
NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>;
MicrosoftNYClassActionFDBR@faegredrinker.com; KVP-OAI <KVPOAI@keker.com>;
OpenAICopyright <OpenAICopyright@mofo.com>; #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <openaicopyrightlitigation.lwteam@lw.com>; DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>

Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Thank you, the best times for us in those windows are Thursday at 11 PT/2 ET or Friday at 8:30 PT/11:30 ET. Does either time work for OpenAI?

BR,
Jen



Jennifer Maisel (she/her)

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From: Hurst, Annette L. <ahurst@orrick.com>
Sent: Tuesday, June 4, 2024 5:34 PM
To: Jennifer B. Maisel <jmaisel@rothwellfigg.com>; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; joe.wetzel@lw.com
Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>; NewYorkTimes_Microsoft_OHS <NewYorkTimes_Microsoft_OHS@orrick.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; OpenAICopyrightlitigation.lwteam@lw.com
Subject: RE: Daily News v. Microsoft et al - Rule 26(f) Conference

Thanks.

I am available for Microsoft as follows:

Thursday: 8-8:30 PT/11-11:30 ET, 9-12 PT/12-3 ET, 2-3 PT/5-6 ET
Friday: 8:30-9 PT/11:30-12 ET

From: Jennifer B. Maisel <jmaisel@rothwellfigg.com>
Sent: Monday, June 3, 2024 5:58 PM
To: Hurst, Annette L. <ahurst@orrick.com>; Cariello, Christopher J. <ccariello@orrick.com>; Najemy, Laura <lnajemy@orrick.com>; Garko, Sheryl <sgarko@orrick.com>; joe.wetzel@lw.com
Cc: Steven Lieberman <slieberm@rothwellfigg.com>; Jeffrey A. Lindenbaum <jlindenbaum@rothwellfigg.com>; Jenny L. Colgate <jcolgate@rothwellfigg.com>; Mark T. Rawls <MRawls@rothwellfigg.com>; Kristen Logan <KLogan@rothwellfigg.com>; Robert P. Parker <rparker@rothwellfigg.com>; Nasri Hage <Nhage@rothwellfigg.com>
Subject: Daily News v. Microsoft et al - Rule 26(f) Conference

[EXTERNAL]

Counsel,

Please advise as to your availability this Thursday or Friday to hold our Rule 26(f) conference.

Best regards,

Jen



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